

1
2 BILL NO. X-74-09-24 (As Amended)
3

4 ANNEXATION ORDINANCE NO. X- 03-74
5

6 AN ORDINANCE annexing certain territory to the
7 City of Fort Wayne and including the same in
8 Councilmanic District No. 1
9

10 WHEREAS, the City of Fort Wayne is desirous of annexing the territory
11 commonly known as the "East End Industrial Area" which is more particularly de-
12 scribed hereinafter; and
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14 WHEREAS, such territory contains land which is zoned and used for
15 commercial business, and industrial uses; and
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17 WHEREAS, more than one-fourth of the aggregate external boundaries
18 of such territory coincide with the boundaries of the City of Fort Wayne; and
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20 WHEREAS, the City of Fort Wayne has established a definite policy
21 and has developed a fiscal plan to furnish such territory, upon the effective date
22 of this ordinance, with governmental and proprietary services substantially
23 equivalent in standard and scope to the governmental and proprietary services
24 furnished by the City of Fort Wayne to other areas of the City which have char-
25 acteristics of topography, patterns of land utilization and population density
26 similar to the territory described herein; and
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28 WHEREAS, such territory is needed now and has been needed by the
29 City of Fort Wayne for its development; and
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31 WHEREAS, the City of Fort Wayne adopted General Ordinance No. 2447
32 on February 9, 1951, annexing certain territory including that described herein-
33 after to be effective immediately following its legal publication, which ordinance
is now pending before the Circuit Court of Allen County on the question of the vali-
dity and sufficiency of a purported remonstrance filed by certain land owners in
the area and said remonstrance is now set for hearing on October 18, 1974, on a
motion to dismiss filed by the City of Fort Wayne; and
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35 WHEREAS, in 1951 the Town, now City, of New Haven attempted to
36 annex a certain land including the territory described hereinafter, lying between
37 it and the City of Fort Wayne, which annexation was held void by the Indiana
38 Appellate Court on December 29, 1971 for the reason that New Haven did not have
39 jurisdiction to effect such an annexation; and
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41 WHEREAS, on January 17, 1972, the City of New Haven again attempted
42 to annex said land lying between it and the City of Fort Wayne by an ordinance
43 which has been challenged by the City of Fort Wayne in the Allen Superior Court
44 on the ground that the said attempted annexation is void, without jurisdiction,
45 and contrary to the statutes of the State of Indiana.
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47 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
48 THE CITY OF FORT WAYNE, INDIANA:
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50 SECTION 1. That the following described territory is hereby annexed
51 and made a part of the corporation of the City of Fort Wayne, Indiana, and shall
52 be and is hereby, considered a part of said city, to-wit:
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54 Being part of Section 8, 9, 16, and 17, Township 30 North, Range
55 13 East, and bounded on the north by the Norfolk and Western
56 Railroad said line also being the existing corporate limits, bounded
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on the east by the east line of the west one half of the west one half of Section 9 and 16, Township 30 North, Range 13 East, bounded on the south by Moeller and Meyer Roads, bounded on the west by the Fort Wayne Corporate limits.

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More particularly described as follows:

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Beginning at the intersection of the north right-of-way line of the Norfolk and Western Railroad and the east line of the West one-half of the northwest one-quarter of Section 9, Township 30 North, Range 13 East, said intersection also being the Fort Wayne corporate limits as established by Annexation Ordinance X-13-68; thence south along the east line of the west one-half of the west one-half of northwest and southwest one-quarters of Section 9, Township 30 North, Range 13 East; thence continuing south along the east line of the west one-half of the west one-half of the northwest one-quarter of Section 16, Township 30 North, Range 13 East, to its intersection with the north right-of-way line of Moeller Road; thence west, along the north right-of-way line of Moeller Road to its intersection with the west right-of-way line of Meyer Road; thence in a southwesterly direction along the west right-of-way line of Meyer Road to its intersection with the south right-of-way line to the Penn Central Railroad and the north right-of-way line of Moeller Road; thence in northwesterly and west direction following the north right-of-way line of Moeller Road to intersection with the existing Fort Wayne corporate limits as established by Annexation Ordinance No. G-106-67; thence in a northerly direction along the existing Fort Wayne corporate limits as described in Annexation Ordinance No. G-106-67 to its intersection with the north right-of-way line of the Norfolk and Western Railroad; thence in an easterly direction along the north right-of-way line of the Norfolk and Western Railroad, said line also being the existing Fort Wayne corporate limits as established by Annexation Ordinances No. X-05-68 and X-13-68, to the place of beginning.

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SECTION 2. Said annexed territory shall be part of Councilmanic District No. 1 of the City of Fort Wayne, Indiana, as described in Section 29 of Chapter 1 of the Municipal Code of the City of Fort Wayne, Indiana.

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SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and sixty (60) days after legal publication, and the annexation provided for herein shall take effect on the date General Ordinance No. 2447 of the City of Fort Wayne, Indiana, is ruled to be of no force or effect by a court of competent jurisdiction, or is repealed by proper ordinance of the City of Fort Wayne, Indiana, and should neither one of these events occur prior to January 1, 1975, then and in such event the said annexation shall take effect on January 1, 1975, provided, however, that in the event it is determined prior to January 1, 1975, that the aforesaid remonstrance to General Ordinance 2447 is invalid and/or insufficient, then the effective date of this ordinance shall be stayed pending further action of this Council.

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Jones Littin

Councilman

Read the first time in full and on motion by Stier, seconded by J Schmidt, and duly adopted, read the second time by title and referred to the Committee on Annexation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 197_____, at _____ o'clock P.M., E.S.T.

Date: 9/24/74

Charles W. Meltzow
CITY CLERK

Read the third time in full and on motion by Stier, seconded by Hinga, and duly adopted, placed on its passage.

Passed (LOD) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	to-wit:
BURNS	X				
HINGA	X				
KRAUS	X				
MOSES	X				
NUCKOLS	X				
SCHMIDT, D.	X				
SCHMIDT, V.					X
STIER	X				
TALARICO	X				

DATE: 10/8/74

Charles W. Meltzow
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. X-03-74 on the 8th day of October, 1974.

ATTEST: (SEAL)

Charles W. Meltzow
CITY CLERK

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of October, 1974, at the hour of 12:00 o'clock P.M., E.S.T.

Charles W. Meltzow
CITY CLERK

Approved and signed by me this 10th day of October, 1974, at the hour of 2:30 o'clock P.M., E.S.T.

Joseph L. Eberle
MAYOR

Bill No. X-74-09-24 (as Amended)

REPORT OF THE COMMITTEE ON ANNEXATION

We, your Committee on Annexation to whom was referred an Ordinance
annexing certain territory to the City of Fort Wayne and including the same
in Councilmanic District No. 1

have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance do PASS.

James S. Stier - Chairman

Vivian G. Schmidt - Vice-Chairman

Donald J. Schmidt

Eugene Kraus, Jr.

Paul M. Burns

James S. Stier

Virginia G. Schmidt

225dm-D

~~Essex Knives~~

Mr. Burns

CONCURRED IN
DATE 10-8-74 CHARLES W. WESTERMAN, CITY CLERK

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3 BILL NO. X-74-09-24

4 ANNEXATION ORDINANCE NO. X-_____

5 AN ORDINANCE annexing certain territory to the
6 City of Fort Wayne and including the same in
Councilmanic District No. 1

7 WHEREAS, the City of Fort Wayne is desirous of annexing the territory
8 commonly known as the "East End Industrial Area" which is more particularly de-
scribed hereinafter; and

9 WHEREAS, such territory contains land which is zoned and used for
10 commercial business, and industrial uses; and

11 WHEREAS, more than one-fourth of the aggregate external boundaries
12 of such territory coincide with the boundaries of the City of Fort Wayne; and

13 WHEREAS, the City of Fort Wayne has established a definite policy
14 and has developed a fiscal plan to furnish such territory, upon the effective date
15 of this ordinance, with governmental and proprietary services substantially
16 equivalent in standard and scope to the governmental and proprietary services
furnished by the City of Fort Wayne to other areas of the City which have char-
acteristics of topography, patterns of land utilization and population density
similar to the territory described herein; and

17 WHEREAS, such territory is needed now and has been needed by the
18 City of Fort Wayne for its development; and

19 WHEREAS, the City of Fort Wayne adopted General Ordinance No. 2447
20 on February 9, 1951, annexing certain territory including that described herein-
after to be effective immediately following its legal publication, which ordinance
21 is now pending before the Circuit Court of Allen County on a purported remon-
strance filed by certain land owners in the area and said remonstrance is now set
22 for a hearing on October 18, 1974, on a motion to dismiss filed by the City of Fort
Wayne; and

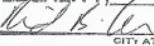
23 WHEREAS, in 1951 the Town, now City, of New Haven attempted to
24 annex a certain land including the territory described hereinafter, lying between
25 it and the City of Fort Wayne, which annexation was held void by the Indiana
Appellate Court on December 29, 1971 for the reason that New Haven did not have
26 jurisdiction to effect such an annexation; and

27 WHEREAS, on January 17, 1972, the City of New Haven again attempted
to annex said land lying between it and the City of Fort Wayne by an ordinance
28 which has been challenged by the City of Fort Wayne in the Allen Superior Court
on the ground that the said attempted annexation is void, without jurisdiction,
and contrary to the statutes of the State of Indiana.

29 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
30 THE CITY OF FORT WAYNE, INDIANA:

32 SECTION 1. That the following described territory is hereby annexed
33 and made a part of the corporation of the City of Fort Wayne, Indiana, and shall
be and is hereby, considered a part of said city, to-wit:

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35 APPROVED AS TO FORM
AND LEGALITY,


W. J. Blattner
CITY ATTORNEY

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Being part of Section 8, 9, 16, and 17, Township 30 North, Range
13 East, and bounded on the north by the Norfolk and Western
Railroad said line also being the existing corporate limits, bounded
on the east by the east line of the west one half of the west one half
of Section 9 and 16, Township 30 North, Range 13 East, bounded on
the south by Moeller and Meyer Roads, bounded on the west by the
Fort Wayne Corporate limits.

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More particularly described as follows:

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Beginning at the intersection of the north right-of-way line of the
Norfolk and Western Railroad and the east line of the West one-half
of the northwest one-quarter of Section 9, Township 30 North, Range
13 East, said intersection also being the Fort Wayne corporate limits
as established by Annexation Ordinance X-13-68; thence south along
the east line of the west one-half of the west one-half of northwest
and southwest one-quarters of Section 9, Township 30 North, Range
13 East; thence continuing south along the east line of the west one-
half of the west one-half of the northwest one-quarter of Section 16,
Township 30 North, Range 13 East, to its intersection with the north
right-of-way line of Moeller Road; thence west, along the north
right-of-way line of Moeller Road to its intersection with the west
right-of-way line of Meyer Road; thence in a southwesterly direction
along the west right-of-way line of Meyer Road to its intersection with
the south right-of-way line to the Penn Central Railroad and the north
right-of-way line of Moeller Road; thence in northwesterly and west
direction following the north right-of-way line of Moeller Road to
intersection with the existing Fort Wayne corporate limits as estab-
lished by Annexation Ordinance No. G-106-67; thence in a northerly
direction along the existing Fort Wayne corporate limits as described
in Annexation Ordinance No. G-106-67 to its intersection with the north
right-of-way line of the Norfolk and Western Railroad; thence in an
easterly direction along the north right-of-way line of the Norfolk and
Western Railroad, said line also being the existing Fort Wayne corporate
limits as established by Annexation Ordinances No. X-05-68 and
X-13-68, to the place of beginning.

SECTION 2. Said annexed territory shall be part of Councilmanic

District No. 1 of the City of Fort Wayne, Indiana, as described in Section 29 of
Chapter 1 of the Municipal Code of the City of Fort Wayne, Indiana.

SECTION 3. This Ordinance shall be in full force and effect from

and after its passage, approval by the Mayor, and sixty (60) days after legal
publication, and the annexation provided for herein shall take effect on the date
General Ordinance No. 2447 of the City of Fort Wayne, Indiana, is ruled to be of
no force or effect by a court of competent jurisdiction, or is repealed by proper
ordinance of the City of Fort Wayne, Indiana, and should neither one of these events
occur prior to January 1, 1975, then and in such event the said annexation shall
take effect on January 1, 1975.

James S. Stu

Councilman

Rod B. C.



City Clerk Memorandum

CHARLES W. WESTERMAN, Clerk

To Owen Donnelly - Community Planner Date 9-26-74
From Charles W. Westerman - City Clerk
Subject Appearance before Common Council - October 1, 1974

COPIES TO:

RE: BILL NO. X-74-09-24

AN ORDINANCE annexing certain territory to
the City of Fort Wayne and including the same
in Councilmanic District No. 1

Your presence is requested on October 1, 1974, at 7:30 o'clock
P.M., Room 124, by the members of the Common Council and James
S. Stier, Chairman of the Standing Committee of Annexation,
in regard to Bill No. X-74-09-24.

It is also requested that you bring along any materials or
information that you may have which will help the Council in
its decision regarding the above bill.

Charlie



City Clerk Memorandum

CHARLES W. WESTERMAN, Clerk

To Dave Keller - City Attorney Date 9-26-74
From Charles W. Westerman - City Clerk
Subject Appearance before Common Council - October 1, 1974

COPIES TO:

RE: BILL NO. X-74-09-24

AN ORDINANCE annexing certain territory to
the City of Fort Wayne and including the same
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in regard to Bill No. X-74-09-24.

It is also requested that you bring along any materials or
information that you may have which will help the Council in
its decision regarding the above bill.

Charlie

DIGEST SHEETTITLE OF ORDINANCE Annexation Ordinance *X-74-09-24.*

DEPARTMENT REQUESTING ORDINANCE City Plan Commission

SYNOPSIS OF ORDINANCE That the following described territory is hereby annexed and made a part of the corporation of the City of Fort Wayne, Indiana, and shall be and is hereby, considered a part of said city to-wit: Being part of Sections 8, 9, 16 and 17, Township 30 North, Range 13 East and bounded on the north by the Norfolk and Western Railroad said line also being the existing corporate limits, bounded on the east by the north and south centerline of Section 16 and 17, Township 30 North, Range 13 East, a part being more commonly known as Moeller Road bounded on the west by the Fort Wayne Corporate Limits more commonly known as Coliseum Blvd., South.

EFFECT OF PASSAGE Property would be made a part of the Fort Wayne Corporate Limits.

EFFECT OF NON-PASSAGE Property would not become a part of the Fort Wayne Corporate Limits.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

ASSIGNED TO COMMITTEE (J.N.) *Regulation Committee*



CITY OF FORT WAYNE

FORT WAYNE, INDIANA

CHARLES W. WESTERMAN
CITY CLERK

October 11, 1974

Miss Helen Libbing
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, Indiana 46802

Dear Miss Libbing:

Please give the attached full coverage on the dates of October 15 and October 22, 1974, in both the News Sentinel and Journal Gazette.

Re: Legal Notice for Common Council
of Fort Wayne, Indiana.
Annexation Ordinance - X-03-74
Bill No. X-74-09-24
(As Amended)

General ORdinance No. G-26-74
Bill No. G-74-09-15

Zoning Ordinance No. Z-17-74
Bill No. Z-74-02-09

Please send us five (5) copies of the Publisher's Affidavit from each newspaper.

Thank you.

Sincerely,

Charles W. Westerman
City Clerk

CWW/ne
ENCL: 3

Ft. Wayne Common Council

To NEWS-SENTINEL Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set)
— number of equivalent lines

Head	number of lines	<u>2</u>
Body	number of lines	<u>211</u>
Tail	number of lines	<u>2</u>
Total number of lines in notice		<u>215</u>

COMPUTATION OF CHARGES

215 lines, 1 columns wide equals 215 equivalent lines at .2884 \$.61.92

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two) 1.50

TOTAL AMOUNT OF CLAIM \$.63.42

DATA FOR COMPUTING COST

Width of single column 11 ems Size of type 5 $\frac{1}{2}$ point

Number of insertions 2 Size of quad upon which type is cast 5 $\frac{1}{2}$

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date October 22, 1974

Title Clerk



PUBLISHER'S AFFIDAVIT

State of Indiana

ALLEN County ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned V.E. Gerken, who, being duly sworn, says

that She is Clerk of the NEWS-SENTINEL

a DAILY newspaper of general circulation printed and published in the English language in the city FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two time, the dates of publication being

as follows:

10/15/74

Subscribed and sworn to before me this 22nd day of October, 1974

Notary Public

My commission expires October 25, 1975



Ft. Wayne Common Council
(Governmental Unit)

To..... JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set)
— number of equivalent lines

Head	number of lines	2
Body	number of lines	211
Tail	number of lines	2
Total number of lines in notice		<u>215</u>

COMPUTATION OF CHARGES

215 lines, 1 columns wide equals 215 equivalent lines at .288¢ cents per line \$ 61.92

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two) 1.50

TOTAL AMOUNT OF CLAIM \$ 63.42

DATA FOR COMPUTING COST

Width of single column 11 ems Size of type 5½ point

Number of insertions 2 Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date October 22, 19 74

Title _____ CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana } ss:
ALLEN County }

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLE DE TOLD who, being duly sworn, says that she is CLERK of the JOURNAL-GAZETTE

a. DAILY newspaper of general circulation printed and published in the English language in the city FORT WAYNE of INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time(s), the dates of publication being as follows:

10/15-22/74

Subscribed and sworn to before me this 22 day of October, 19 74

Arville C. Roske
Notary Public

My commission expires October 25, 1975

